

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

April 24, 2007

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:40 a.m. by Chairman Stuart Lane.
2. ROLL CALL - Board Members in Attendance: Stuart Lane, Sheila Bowen, Richard Pawelko, Chet Pearson, Susan Schaefer Kliman and Joy Lyndes. Absent: Dawn Garcia, Ronald Starling and Robert Roos. Board Staff: Ronald Dalrymple, Lavern Douglas, Kathryn Fuller, Julie Ruff, Lisa Lawhorn, and Manuel Maltos. Assistant Attorney General: Terrie Sanders.
3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Mr. Pawelko moved to approve the March 27, 2007 minutes. Mr. Pearson seconded. Motion Carried.
5. ENFORCEMENT MATTERS
 - A. Proposed Dismissals
 - 1a. M05-135, William C. Walker, R.L.S. #16214
 - 1b. M05-135, Jack A. Buchanan, R.L.S. #12214Mr. Lane moved to table these agenda items due to additional information provided to the Board. Mr. Pawelko seconded. Motion Carried.
 - B. Proposed Letter of Concern
 1. M06-304, Alisa J. Templeton, R.L.S. #26406 - Mr. Lane moved to issue a Letter of Concern. Mr. Pawelko seconded. After discussion, vote Deadlocked. Mr. Lane, Ms. Schaefer Kliman and Mr. Pearson voted Aye. Ms. Bowen, Ms. Lyndes and Mr. Pawelko voted Nay. After discussion, Mr. Pawelko moved for dismissal, with an instruction for staff to send a notice for Respondent to have a signed scope of work with each client in the future. Ms. Bowen seconded. Motion Carried. (Messer's Pearson and Lane voted Nay.)
 - C. Proposed Consent Agreements
 1. M05-199, Lloyd W. Rogers, P.E. (Civil) #17927 - Ms. Bowen moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Professional Education: Respondent will complete six (6) hours of professional courses in the area of soil evaluation; Peer Review: Peer Review of three (3) soil evaluations; Costs of Investigation: Pay costs of investigation in the amount of \$660.00. Mr. Pearson seconded. After discussion, Motion Carried.

2. M06-078, Henry A. Shearrow, R.L.S. #09087 - Mr. Lane moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Costs of Investigation: Pay costs of investigation in the amount of \$545.00. Mr. Pearson seconded. After discussion, Motion Carried.

3. M07-011, Geoffrey K. Brimhall, R.L.S. #33308 - Mr. Lane moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Respondent will amend the survey; Costs of Investigation: Pay costs of investigation in the amount of \$120.00. Ms. Lyndes seconded. After discussion, Motion Carried.

4. HI07-075, Brent S. Ruttle, Certified Home Inspector #41248 - The Board tabled this agenda item due to additional information that was provided to staff.

D. Proposed Peer Review Candidates

1. M05-413, Thomas B. Hollenbach, R.L.S. #17278 - Mr. Lane moved to accept Richard C. Rice, Land Surveyor #16602; Colin D. Harvey, Land Surveyor #42017; and Raymond L. Jones, Land Surveyor #05713 to review Respondent's work. Ms. Lyndes seconded. After discussion, Motion Carried.

6. Review, Consideration & Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Applicant for Certified Home Inspector

1. Barry Brooks, #070090 - Mr. Pawelko moved to grant registration upon payment of applicable fees within thirty (30) days, which if not paid will result in the denial of registration. Mr. Pearson seconded. Mr. Brooks addressed the Board. After discussion, Motion Carried.

7. Review, Consideration & Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)

1. Granting of professional or in-training registration.
2. Approval to sit for the professional or in-training examination.

Mr. Lane moved to accept the committee and staff recommendations listed in items 7.1 and 7.2. Mr. Pearson seconded. Motion Carried.

8. Review, Consideration & Possible Vote on the following:

GEOLOGICAL ENGINEER EXAM

Mr. Dalrymple asked the Board to reconsider administering the Geological Engineering Exam. The end result is that the Board will no longer accept new applications for new licensees or comity in that discipline. Instead, the Board will issue a Civil Engineering registration to those registered in other states as a Geological Engineer who request comity, and those registrants may practice Geological Engineering under the Civil Engineering registration.

Mr. Lane suggested an article be placed in the next quarterly Board newsletter. Mr. Dalrymple stated that he has completed an article for inclusion in the Board's next quarterly newsletter to give registrants an opportunity to learn of the possible change, and provide feedback for review by the Legislative and Rules Committee.

9. Review, Consideration & Possible Vote on the following:

RULE R4-30-304 - SEALING OF LETTERS

RULE R4-30-304 - SEAL EXPIRATION

The docket has been opened and the rule package has been sent for a courtesy review by the Governor's Regulatory Review Council. Changes will be made and the Notice of Proposed Rulemaking will be presented to the Board at the May 22, 2007 Board meeting.

10. Review, Consideration & Possible Vote on the following:

CASES PENDING CIVIL LITIGATION

Mr. Pawelko moved that the Board adopt a policy that cases pending civil litigation should not be accepted by the Board for action until after the case is resolved, with the exception of extenuating circumstances. Mr. Pearson seconded. After discussion, Motion Carried.

11. Review, Consideration & Possible Vote on the following:

FIELD DATA COLLECTION FOR GIS

Mr. Ron Platt, R.L.S. #20373, representing the Arizona Professional Land Surveying (APLS) Committee, addressed the Board in regards to a letter provided to the Board by Mr. Larry Dresden. Mr. Platt suggested that a distinction should be made between a Land Surveyor and a Geographical Information System practitioner (GIS). The APLS Committee has contacted American Society for Professional Engineering (ASPE) however there has been no response.

Mr. Platt requested assistance and cooperation from the Legislative and Rules Committee and the Board in developing a more diverse Committee comprising better representation from members of all professions. Mr. Platt stated that it may take six (6) months to provide detailed report to the Board.

After discussion, Mr. Lane suggested that Mr. Platt provide his report to the Legislative and Rules Committee for further review and possible public comment. No Action Taken.

12. DIRECTOR'S REPORT

Rule Package Status Report:

R4-30-101(A)(7) Design team and R4-30-304(C) Use of seals are scheduled to become effective on May 31, 2007.

IBM/GITA Phase 2 Database Conversion Project (Common Business Licensing System):
IBM had temporarily stopped the project because of some misunderstanding about the extent of the program. GITA has reviewed their issues and a new agreement has been signed with no changes to our needs or their responsibilities, therefore the program is back on track.

Meth Lab Program:

Board staff received information on meth arrests from several law enforcement sources and the DEA hazardous material removal contractor. That information added 150 possible sites to our list, bringing the list up to 296 seized sites. Staff is investigating the DEA sites to determine their eligibility for the Board's program. At this time staff has investigated approximately half of these sites and many are not eligible for the Board's program.

Lisa Lawhorn and Manuel Maltos completed a basic clandestine laboratory safety and site safety officer certification program at the invitation of the Maricopa County High Intensity Drug Trafficking Area Task Force the week of April 19, 2007.

Channel 15 is doing an investigative reporter segment sometime in the near future on the meth lab remediation problem in the state of Arizona. Mr. Dalrymple provided an interview for the segment, and a crew is going to ride with an Arizona Ranger Unit during the week of April 29, 2007. The major area of concern is the significant number of unremediated sites and the possibility of property owners cleaning up their property rather than contracting with a licensed remediation firm.

Budget 2008 - 2009:

Budget hearings have been completed. The Board asked for two additional people for the home inspector program and two additional people for the drug lab program. The JLBC recommendation to the joint legislative appropriation committee was for one additional person for the home inspector program.

Mr. Dalrymple asked for the Board to be removed from the consent agenda in order to make a presentation for the need for the remaining three positions at a public hearing before the appropriation sub-committee. Mr. Dalrymple spoke before the appropriation sub-committee on February 21, 2007, and the committee recommended that all four positions be included in the Board's budget.

The committee recommendation should be incorporated into the State appropriation bill. Normally there are no changes to an appropriation recommendation after it is included in the main appropriation bill.

13. BOARD CHAIR'S REPORT – None.

14. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee - The Committee will meet after the June 2007 Board meeting.
2. Budget Committee - The Board is in good financial shape for year end, and a wish list has been created for office supplies and furniture.
3. Home Inspector Rules and Standards Committee - A meeting is scheduled for May 22, 2007.
4. Environmental Remediation Rules and Standards Committee - Members have been identified and a meeting will be scheduled.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying (NCEES) - Mr. Dalrymple reported that there are some resolutions that will be voted on at the August 2007 Conference and he feels they will not be adopted.
2. National Council of Architectural Registration Boards (NCARB) - The council is hiring a new executive director.
3. Council of Landscape Architectural Registration Boards (CLARB) - None.
4. National Association of State Boards of Geology (ASBOG) - None.
5. Geological Engineer Examination - None.

16. FUTURE BOARD MEETINGS - Tuesday, May 22, 2007

17. FUTURE AGENDA ITEMS

18. ADJOURNMENT - Mr. Pawelko moved to adjourn. The meeting adjourned at 11:00 a.m.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Stuart Lane, Chairman


Ronald W. Dalrymple, Executive Director